

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARRY HOWARD,

Defendant.

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8:08CR387

ORDER

This matter is before the court on the motion to continue by defendant Harry Howard (Howard) (Filing No. 16). Howard seeks a continuance of the trial of this matter which is scheduled for January 12, 2009. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Howard's motion to continue trial (Filing No. 16) is granted.
2. Trial of this matter is re-scheduled for **February 9, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 12, 2009 and February 9, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge